

REMARKS

In the application claims 59 and 63-68 remain pending. Claims 1-58 and 60-62 have been canceled without prejudice. The claims as amended find support in the specification as originally filed. No new matter has been added.

Pending claims 59 and 63-68 stand rejected under 35 U.S.C. § 103 as being unpatentable over Voltmer (U.S. Patent No. 7,398,225) in view of Cigliano ("The Price of Loyalty, The McKinsey Quarterly 2000 November 4"). The reconsideration of this rejection is respectfully requested.

In rejecting the claims, it has been acknowledged that Voltmer discloses a system in which *all* customers are eligible to be provided points based upon, for example, a point-for-dollars ratio, a defined quantity of points per item or per transaction, or some combination thereof. (Voltmer; Col. 11, lines 19-25). Thus, Voltmer does not disclose, teach, or suggest providing a recurring cash value benefit to a most-valued customer *that is selected from a plurality of consumers based on at least one of the retail store's gross profit margin on the purchases made by individual ones of the plurality of consumers and a number of trips to the retail store made by individual ones of the plurality of consumers.*

Considering now Cigliano, while Cigliano may disclose providing customers that spend \$3000 annually with a rewards membership (pgs. 75 and 76), it is respectfully submitted that Cigliano, like Voltmer, fails to disclose, teach, or suggest providing a recurring cash value benefit to a most-valued customer *that is selected from a plurality of consumers based on at least one of the retail store's gross profit margin on the purchases made by individual ones of the plurality of consumers and a number of trips to the retail store made by individual ones of the plurality of consumers.* Accordingly, because Cigliano fails to disclose, teach, or suggest the

claim elements that are missing from Voltmer, it is respectfully submitted that the combination of Voltmer and Cigliano cannot be said to present a *prima facie* case of obviousness. For at least this reason, it is respectfully submitted that the rejection of the claims must be withdrawn.

CONCLUSION

It is respectfully submitted that the application is in good and proper form for allowance. Such action on the part of the Examiner is respectfully requested.

Respectfully Submitted;



Date: October 14, 2009

By: Gary R. Jarosik, Reg. No. 35,906
Greenberg Traurig, LLP
77 West Wacker Drive, Suite 2500
Chicago, Illinois 60601
(312) 456-8449

CHI 58,696,187v1